

BUFORD CITY COMMISSION MEETING

December 14, 2020
Buford City Arena
7:00 p.m.

1. Pledge to the Flag.
2. Approve the agenda as presented.
3. Approve the minutes from the November 2, 2020 meeting.

PUBLIC HEARINGS

4. **Rezoning:**

I. Plat #590:

ACM Satilla LN V, LLC
Brown Road
Parcel: 7-143-061
Acres: 12.53

Requesting annexation into the city with a rezoning from O & I to M-1

P & Z Recommendation

Plat #590: ACM Satilla LN V, LLC requested annexation and rezoning for the property located on Brown Road, being parcel 7-143-061, containing 12.533 acres from O-I to M-1. Motion by Wayne Johnson and seconded by Harley Bennett to recommend approval of the annexation and rezoning to M-1 with the following conditions:

1. The subject property is to be developed substantially similar to the site plan provided with the application including the sizes and heights of the proposed tilt-up buildings and associated site improvements. However, approval of the rezoning case does not relieve the owner from conformity to the State EPD State Waters Regulations, Development Regulations, Roadway Improvements and Zoning Ordinances.

2. Brown Road shall be improved pursuant to City of Buford Development Regulations to the driveway entrance and dedicate 30 feet of right-of-way from centerline per Gwinnett County's request. Roadway engineering plans shall be reviewed and approved by the City engineer for compliance with roadway improvement standards prior to the issuance of any permits. Sidewalk and curb and gutter shall be installed up to the employee parking entrance only on Brown Road as per the site plan by Urban Engineers, Inc. dated August 10, 2020.
3. An enhanced landscape planting plan shall be required within the dissimilar zoning buffers where the existing vegetation does not provide for proper screening. Final plan is to be reviewed and approved by the Planning Director.
4. Building elevations that include tilt-up concrete construction shall be submitted to the Planning Director for review and approval prior to the approval of any permits. The front building (278,476 +/- square feet) shall have enhanced architectural treatments on all four (4) corners of the building. The back building (680,400 +/- square feet) shall have enhanced architectural treatments on three (3) corners of the building. The rear corner facing the stream/buffer is not required to have enhanced architectural treatments.
5. Outdoor lighting shall be contained in cut-off luminaries and shall be directed in toward the property so as not be reflect into adjacent properties or rights-of-way.
6. Subject to approval of Development of Regional Impact (DRI) and subject conditions.

Ayes – 5

Nays – 0

II. Plat #591:

**Ronald Cropper, Nancy Evans, Cathy Cropper and William Cropper
2328 Brown Road
Parcel: 7-143-002
Acres: 2.80**

Requesting annexation into the City with a rezoning from RA-200 to M-1 P & Z Recommendation

Plat #591: Ronald Cropper, Nancy Evans, Cathy Cropper and William Cropper requested annexation and rezoning for the property located at 2328 Brown Road,

being parcel 7-143-002 from RA-200 to M-1. Motion by Homer Whiting and seconded by Wayne Johnson to recommend approval of the annexation and rezoning to M-1 with the following conditions:

1. The subject property is to be developed substantially similar to the site plan provided with the application including the sizes and heights of the proposed tilt-up buildings and associated site improvements. However, approval of the rezoning case does not relieve the owner from conformity to the State EPD State Waters Regulations, Development Regulations, Roadway Improvements and Zoning Ordinances.
2. Brown Road shall be improved pursuant to City of Buford Development Regulations to the driveway entrance and dedicate 30 feet of right-of-way from centerline per Gwinnett County's request. Roadway engineering plans shall be reviewed and approved by the City engineer for compliance with roadway improvement standards prior to the issuance of any permits. Sidewalk and curb and gutter shall be installed up to the employee parking entrance only on Brown Road as per the site plan by Urban Engineers, Inc. dated August 10, 2020.
3. An enhanced landscape planting plan shall be required within the dissimilar zoning buffers where the existing vegetation does not provide for proper screening. Final plan is to be reviewed and approved by the Planning Director.
4. Building elevations that include tilt-up concrete construction shall be submitted to the Planning Director for review and approval prior to the approval of any permits. The front building (278,476 +/- square feet) shall have enhanced architectural treatments on all four (4) corners of the building. The back building (680,400 +/- square feet) shall have enhanced architectural treatments on three (3) corners of the building. The rear corner facing the stream/buffer is not required to have enhance architectural treatments.
5. Outdoor lighting shall be contained in cut-off luminaries and shall be directed in toward the property so as not be reflect into adjacent properties or rights-of-way.
6. Subject to approval of Development of Regional Impact (DRI) and subject conditions.

Ayes – 5

Nays – 0

III. Plat #592:

ACM Satilla LN V, LLC

Brown Road

Parcel: 7-143-010

Acres: 70.58

Requesting annexation into the City with a rezoning from RSR to M-1

P & Recommendation

Plat #592: ACM Satilla LN V, LLC requested annexation and rezoning for the property located on Brown Road, being parcel 7-143-010, containing 70.587 acres from RSR to M-1. Motion by Harley Bennet and seconded by Bobby David to recommend approval of the annexation and rezoning to M-1 with the following conditions:

1. The subject property is to be developed substantially similar to the site plan provided with the application including the sizes and heights of the proposed tilt-up buildings and associated site improvements. However, approval of the rezoning case does not relieve the owner from conformity to the State EPD State Waters Regulations, Development Regulations, Roadway Improvements and Zoning Ordinances.
2. Brown Road shall be improved pursuant to City of Buford Development Regulations to the driveway entrance and dedicate 30 feet of right-of-way from centerline per Gwinnett County's request. Roadway engineering plans shall be reviewed and approved by the City engineer for compliance with roadway improvement standards prior to the issuance of any permits. Sidewalk and curb and gutter shall be installed up to the employee parking entrance only on Brown Road as per the site plan by Urban Engineers, Inc. dated August 10, 2020.
3. An enhanced landscape planting plan shall be required within the dissimilar zoning buffers where the existing vegetation does not provide for proper screening. Final plan is to be reviewed and approved by the Planning Director.
4. Building elevations that include tilt-up concrete construction shall be submitted to the Planning Director for review and approval prior to the approval of any permits. The front building (278,476 +/- square feet) shall have enhanced architectural treatments on all four (4) corners of the building. The back building (680,400 +/- square feet) shall have enhanced architectural treatments on three (3) corners of the building. The rear corner

facing the stream/buffer is not required to have enhanced architectural treatments.

5. Outdoor lighting shall be contained in cut-off luminaries and shall be directed in toward the property so as not be reflect into adjacent properties or rights-of-way.
6. Subject to approval of Development of Regional Impact (DRI) and subject conditions.

Ayes – 5

Nays – 0

IV. #Z-20-14:

**Kilburn Commercial Properties, LLC
2368 Brown Road
Parcel: 7-143-046**

Requesting rezoning from RA-200 to M-1

P & Z Recommendation

#Z-20-14: Kilburn Commercial Properties, LLC request rezoning for the property located at 2368 Brown Road, being parcel 7-143-046 from RA-200 to M-1. Motion by Wayne Johnson and seconded by Homer Whiting to recommend approval of the rezoning request to M-1 with the following conditions:

1. The subject property is to be developed substantially similar to the site plan provided with the application including the sizes and heights of the proposed tilt-up buildings and associated site improvements. However, approval of the rezoning case does not relieve the owner from conformity to the State EPD State Waters Regulations, Development Regulations, Roadway Improvements and Zoning Ordinances.
2. Brown Road shall be improved pursuant to City of Buford Development Regulations to the driveway entrance and dedicate 30 feet of right-of-way from centerline per Gwinnett County's request. Roadway engineering plans shall be reviewed and approved by the City engineer for compliance with roadway improvement standards prior to the issuance of any permits. Sidewalk and curb and gutter shall be installed up to the employee parking entrance only on Brown Road as per the site plan by Urban Engineers, Inc. dated August 10, 2020.

3. An enhanced landscape planting plan shall be required within the dissimilar zoning buffers where the existing vegetation does not provide for proper screening. Final plan is to be reviewed and approved by the Planning Director.
4. Building elevations that include tilt-up concrete construction shall be submitted to the Planning Director for review and approval prior to the approval of any permits. The front building (278,476 +/- square feet) shall have enhanced architectural treatments on all four (4) corners of the building. The back building (680,400 +/- square feet) shall have enhanced architectural treatments on three (3) corners of the building. The rear corner facing the stream/buffer is not required to have enhanced architectural treatments.
5. Outdoor lighting shall be contained in cut-off luminaries and shall be directed in toward the property so as not be reflect into adjacent properties or rights-of-way.
6. Subject to approval of Development of Regional Impact (DRI) and subject conditions.

Ayes – 5

Nays – 0

V. #Z-20-15:

Kilburn Commercial Properties, LLC

Brown Road

Parcel: 7-143-034

Requesting rezoning from RA-200 to M-1

P & Z Recommendation

#Z-20-15: Kilburn Commercial Properties, LLC request rezoning for the property located on Brown Road, being parcel 7-143-034, containing 1.998 acres from RA-200 to M-1. Motion by Harley Bennett and seconded by Bobby Davis to recommend approval of the rezoning request to M-1 with the following conditions:

1. The subject property is to be developed substantially similar to the site plan provided with the application including the sizes and heights of the proposed tilt-up buildings and associated site improvements. However, approval of the rezoning case does not relieve the owner from conformity to the State EPD State Waters Regulations, Development Regulations, Roadway Improvements and Zoning Ordinances.

2. Brown Road shall be improved pursuant to City of Buford Development Regulations to the driveway entrance and dedicate 30 feet of right-of-way from centerline per Gwinnett County's request. Roadway engineering plans shall be reviewed and approved by the City engineer for compliance with roadway improvement standards prior to the issuance of any permits. Sidewalk and curb and gutter shall be installed up to the employee parking entrance only on Brown Road as per the site plan by Urban Engineers, Inc. dated August 10, 2020.
3. An enhanced landscape planting plan shall be required within the dissimilar zoning buffers where the existing vegetation does not provide for proper screening. Final plan is to be reviewed and approved by the Planning Director.
4. Building elevations that include tilt-up concrete construction shall be submitted to the Planning Director for review and approval prior to the approval of any permits. The front building (278,476 +/- square feet) shall have enhanced architectural treatments on all four (4) corners of the building. The back building (680,400 +/- square feet) shall have enhanced architectural treatments on three (3) corners of the building. The rear corner facing the stream/buffer is not required to have enhanced architectural treatments.
5. Outdoor lighting shall be contained in cut-off luminaries and shall be directed in toward the property so as not to reflect into adjacent properties or rights-of-way.
6. Subject to approval of Development of Regional Impact (DRI) and subject conditions.

Ayes – 5

Nays – 0

5. **Special Use Permits:**

I. **#SUP-20-14:**

Susan Lewis
406 West Shadburn Avenue
Parcel: 7-295F-019A

Requesting a special use permit to allow an outside special event venue

P & Z Recommendation

#SUP-20-14: Susan Lewis requested a special use permit for the property located at 406 W. Shadburn Avenue. The special use permit requested is to allow outside special events. The applicant was present and explained the request to the Board. The Board asked about parking for larger events. Mrs. Lewis stated there is a gravel area they can use for parking and they would also use public parking at the parking deck and provide a shuttle bus. The Board stated that parking would need to comply with City code using asphalt or concrete. Adjacent property owner Kathy Pugh objected to the request with concerns of noise and decrease in property value. Mrs. Lewis stated this is an upscale event venue and would comply with the noise ordinance. After a brief discussion, motion by Homer Whiting and seconded by Harley Bennett to recommend approval of the special use permit as requested with the following conditions:

1. Outdoor activity that generates noise or the use of a PA system shall be limited between the hours of 9:00 a.m. and 10:00 p.m.
2. All parking shall be within designated parking spaces on concrete or asphalt. On-street parking on public right-of-way shall be prohibited.
3. City Hall shall be notified at least 10 business days prior to events that are large enough to require traffic control measures as hiring off-duty police officers and/or shuttle services to and from a larger parking lot.

Ayes – 5

Nays – 0

II. **#SUP-20-15:**

ALM Holding, LLC

4250 Buford Drive

Parcel: 7-259-267

Requesting a special use permit to allow the expansion of the Atlanta Luxury Motors used car business.

P & Z Recommendation

#SUP-20-15: ALM Holding, LLC requested a special use permit for the property located at 4250 Buford Drive. The special use permit requested is to allow expansion of Atlanta Luxury Motors used car business. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. He stated they are

proposing to build a new building and are requesting three (3) years to complete the development and to be allowed to only do temporary paving and minimal landscaping until the new plans are finalized and construction started for the new building. Mr. Kerlin stated the City would recommend approval with all site improvements constructed and in compliance with the City of Buford Development and Zoning Regulations. After a brief discussion, motion by Wayne Johnson and seconded by Bobby Davis to recommend approval of the special use permit with the following conditions:

1. The owner shall start the development within a year or the special use permit is void and shall comply with the City of Buford Development and Zoning Regulations.
2. The owner shall maintain the access easement and paving in front of the property.
3. Prior to the completion of the parking expansion construction, the applicant shall combine the two parcels into one.

Ayes – 5

Nays – 0

6. **Annexations:**

I. **Plat #593**

P & B Georgia LT I, LLC

East Maddox Road

7-227-009

Acres: 7.677

Requesting annexation into the City with a rezoning from R-100 to R-100

P & Z Recommendation

Plat #593: P&B Georgia LT I, LLC requested annexation and zoning for the property located on East Maddox Road, being parcel 7-227-009, containing 7.677 acres from R-100 to R-100. Ronnie Rodriguez spoke on behalf of the applicant. He stated they are proposing five (5) single-family residential lots with a common driveway. One gentlemen that lives in Eagle's Ridge Subdivision was not in objection of the request, but asked if they had any house plans and what the distance would be from the subdivision. Mr. Rodriguez stated they did not have any house plans at this time. Gwinnett County did not object to this annexation

and zoning. Motion by Homer Whiting and seconded by Harley Bennett to recommend approval of the annexation and zoning to R-100 with the following conditions:

1. Prior to the approval of any future building permits, owner(s) shall submit a minor subdivision plat for review and approval by the City of Buford.
2. The minor subdivision plat shall include verification of all existing state waters and associated buffers and impervious setbacks.
3. Lots 4 through 5 shall be required to have residential drainage plans per City of Buford standards submitted with the building permit application for review and approval of the permit.
4. All homes shall have a minimum gross heated floor area of 3000 square feet exclusive of garages or basements. All homes shall have a minimum two (2) car garage.
5. All homes shall have three (3) sides brick or stone with accents not to exceed 40%. Accents shall include brick, stucco, rock, stone, hardiplank, shakes and concrete siding.
6. To reduce the road frontage on Lot 1 from 100 feet to 99.44 feet. To reduce the road frontage on Lots 2 through 5 from 100 feet to 15.35 feet.
7. To provide a 30-foot ingress/egress and utility easement for Lots 2 through 5. The driveway width shall be a minimum 20 feet.

Ayes – 5

Nays – 0

II. Plat #594

Patsy J. Thornton
5459 Shadburn Ferry Road
7-327-019
Acres: 1.929

Requesting annexation into the City with a rezoning from R-100 to R-100

P & Z Recommendation

Plat #594: Patsy Jean Thornton requested annexation and zoning for the property located at 5459 Shadburn Ferry Road from R-100 to R-100. The applicant was not present. There were no objections from the audience. Gwinnett County did not object to this annexation and zoning. Motion by Bobby Davis and seconded by

Harley Bennett to recommend approval of the annexation and zoning to R-100 with the conditions if the existing home is removed, the new home shall comply with these conditions:

1. Ranch homes shall have a minimum of 2000 square feet and two-story homes shall have a minimum of 2400 square feet exclusive of garage or basement and shall have a two car garage.
2. The residential dwelling front and side elevations shall be a minimum of 40% brick or stone with accents not to exceed 60%. Accents shall include brick, stone, rock, stucco, shakes, hardiplank and concrete siding.
3. Driveways shall be a minimum of 18 feet in width.
4. All yards shall be sodded and shall have a minimum of two (2) 2-inch caliper ornamental trees planted in the front yard.

Ayes – 5

Nays – 0

7. **Zoning Modifications:**

I. **#ZM-20-07**

**Rachael Jones
2136 Sterling Park
Enclave at Morningside, Lot #56**

To reduce the front setback from 15 feet to 10 feet for covered entryway.

II. **#ZM-20-08**

**Rachael Jones
2251 Kate Moore Way
Olde Town Estates Subdivision, Lot #48**

To reduce the rear setback from 25 feet to 19 feet for rear patio.

III. **#ZM-20-09**

**Brightwork Real Estate
4040 South Bogan Road**

Holland Point Shopping Center, Outparcel #1

To allow a carwash with store front glass to extend to the sidewalk in lieu of a 1-foot contrasting base as per the code.

To encroach into the undisturbed buffer as per the site plan submitted

The total buffer increases from 13,130' to 13,815' (685')

The encroachment is a maximum of 13.75 feet.

And a total encroachment of 1098 square feet.

8. Public hearing for removal of #SUP-10-10 issued on April 1, 2010 to America's Best Automotive.

P & Z Recommendation

The Board will consider the removal of special use permit #SUP-10-10 for America's Best Automotive at 4525 South Lee Street where operations and conditions have not been continuous on the property. Tim Houghton, owner of the property, was present. Also present were Wes Burk, store manager, and Mitch Peevy. Mr. Houghton explained the nature of the business and procedure for vehicles waiting for repairs. He stated that he was told by his manager that they had come into compliance with the City's conditions. Chairman Perkins stated that vehicles, trucks and trash were still stored outside on the property and that would not be in compliance. He stated that South Lee Street is a main corridor into town and the City expected compliance with all conditions. Lara Bardugon, Code Enforcement Officer, spoke concerning the issues with this business and that several citations had been issued. She stated they have made some progress removing some of the vehicles and parts, but they are still not in compliance with the special use permit conditions. Motion by Wayne Johnson and seconded by Bobby Davis to recommend special use permit #SUP-10-10 be revoked.

Ayes – 5

Nays – 0

END OF PUBLIC HEARINGS

9. Certify election results from November 3, 2020 special municipal election.

10. Consider adoption of the Bond Resolution for Refunding of Revenue Bonds Series 2021 and Intergovernmental Agreement between the Board of Education of the City of Buford and the City of Buford.
11. Authorize City Manager and City Attorney to purchase properties located on Moreno Street.
12. Consider bids for surplus property located on Old Swimming Pool Road.
13. Consider bid for surplus property located at Mount Salem Road.
14. Authorize Chairman to enter into an agreement with the City of Calhoun for purchase of excess reserve power capacity.
15. Authorize Chairman and City Manager to sign election forms with MEAG Power to place off-system energy sales margins for the power supply year of 2021.
16. Consider recommendation of bids for Bona Road sidewalk improvement project.
17. Consider accepting a donation of Christmas decorations, 12 days of Christmas or similar, by Stacy Britt and authorize City Manager to issue donation letter.
18. Consider amending FY 2021 budget for employee pay raises and pay rate increases.
19. Authorize release of pledged funds with Peoples Bank & Trust.
20. Authorize payment #5 for Church Street stormwater improvements project.
21. Authorize payment #2 for Moreno Street water improvements project.
22. Authorize payment #26 for the Buford parking deck project.
23. Authorize payment #14 for the legion fields improvements project.
24. Authorize payment #6 (final) for Buford Multi-Use Trail project.

25. Authorize payments #1 and #2 for SR13 left turn lane extension project.
26. Authorize payment of invoice #3 for Buford Water Works replacement membrane filtration system project.
27. Authorize payment #2 (invoice #1531) and payment #5 for Southside Wastewater Plant Flow Diversion Structure.
28. City Manager's Report.
29. City Attorney's Report.

NOTE: The City of Buford does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities per the Americans with Disabilities Act of 1992. Bryan Kerlin, City Manager, 770-945-6761, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA coordinator. The City of Buford will assist citizens with special needs given proper advance notice. Any requests for reasonable accommodations required by individuals to fully participate in any open meeting, program, or activity of the City should be directed to the ADA Coordinator, Bryan Kerlin, 2300 Buford Highway, Buford, Georgia, 770-945-6761.